

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SWINOMISH INDIAN TRIBAL  
COMMUNITY, a federally recognized Indian  
Tribe,

Plaintiff,

v.

BNSF RAILWAY COMPANY, a Delaware  
corporation,

Defendant.

NO. 2:15-cv-00543-RSL

**PLAINTIFF'S STATEMENT OF  
NON-OPPOSITION TO  
DEFENDANT'S MOTION FOR  
APPROVAL OF SUPERSEDEAS  
BOND TO STAY ENFORCEMENT  
OF JUDGMENT PENDING APPEAL**

Plaintiff Swinomish Indian Tribal Community makes this statement of non-opposition to Defendant BNSF Railway Company's Motion for Approval of Supersedeas Bond to Stay Enforcement of Judgment Pending Appeal.

Although the Tribe believes that BNSF's assessment that the appeal will take 18 months to conclude is optimistic<sup>1</sup>, the Tribe agrees that the proposed bond in addition to BNSF's other resources are sufficient to protect the Tribe's judgment pending the appeal.

<sup>1</sup> The Ninth Circuit issued the initial briefing schedule on July 16, 2024 with BNSF's opening brief due October 7, 2024. See Dkt. 313. The Ninth Circuit allows for one automatic 30-day extension per brief. Assuming no other extensions are requested or ordered, and that the parties will take each available 30-day extension, the briefing will be complete by early March 2025. The Ninth Circuit estimates that oral argument will be scheduled approximately 4 months from the completion of briefing and that the case will be decided between 3 months to a year after submission. See <https://www.ca9.uscourts.gov/general/faq/>. Using these estimates, while it is possible that the

1 DATED this 19th day of July, 2024.

2 *I certify that this brief contains 206 words in compliance with the local rules.*

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appeal could conclude as early as October 2025 (13 months), it could be as late as or later than July 2026 (two years) before a decision is issued by the panel.

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